

City of Raleigh, NC
DEVELOPMENT REGULATIONS REGARDING FINAL PLAT APPROVAL AND RECORDING
(Sec. 10-3014)

(a) Prior City certification necessary.

Prior to recording in the Wake County Registry of any plat, the plat must be submitted for review to the City. This certification of review shall be indicated in writing on the plat by the Planning Director of the City, and it shall be required for each of the following:

- (1) *Final subdivision plats;*
- (2) *Recombination plats;*
- (3) *Easement plats not prepared by either a governmental body nor any utility company granted the power of eminent domain by G.S. 40A-3(a)(1);*
- (4) *Plats creating new lots where all lots are greater than 10 acres; and,*
- (5) *All other plats where property boundaries, easements, rights-of-way or other matters are changed or added.*

For subsections (2) through (4) above, the certificate of review by the Planning Director shall indicate that the plat is exempted from the subdivision regulations of the City. The City shall file a copy of this chapter with the Register of Deeds of Wake County. The Register of Deeds shall not thereafter file or record any of the plat located within the City or its extraterritorial jurisdiction without the certification of the City as required in this chapter. The Clerk of the Superior Court of Wake County shall not order or direct the recording of a plat where such recording would be in conflict with this chapter.

(b) Recording of covenants.

The City may, as a precondition for recording lots and approving site plans, require the recording of covenants. Such covenants may be required for cross access, property owners associations for the maintenance of: landscaping, private streets or private open space, common storm drainage facilities, common utilities, or any combination thereof, access limitations, common-party walls, unified sign criteria, unity of development standards, and any other purpose determined to be necessary to implement Part 10 of the City Code by the approving authority.

Cross-reference: Time period for proof of recordation of covenants, §10-3014(c)(1).

(c) Procedure.

(1) Submittal, authorization, and recording.

Subsequent to the review and approval of preliminary subdivision plans and construction plans as described in §10-3013(a), (b) and (c)(2), the developer shall submit final plats for recording to the Planning Department. The plat to be recorded in the office of the Wake County Register of Deeds shall contain all information required by §10-3017. Three (3) copies of this plat shall be signed and sealed by a registered surveyor and submitted on mylar material. Other paper copies of the plat may be requested by the Planning Director for review by other Departments of the City. The Planning Director shall review the final plat and compare it to the approved preliminary subdivision plan and conditions of approval. The Planning Director may consult the various other departments of the City as necessary to determine that the final plat as submitted is in accordance with the approved preliminary subdivision plan, all conditions of approval, and to all applicable regulations and resolutions of the City. The Planning Director may then:

- a. Certify the plat for recording, in writing on each of the three (3) copies; or,
- b. Request revisions of the plat to complete information required by §10-3017 or to cause the plat to conform to the preliminary subdivision plan,

any condition of approval, or regulations and resolutions that may be applicable to the recording of the plat.

Plats presented to and approved for recordation by the City must be recorded on or before the fourteenth day following the signature of the Planning Director. The expiration date shall be clearly indicated on the plat. Within this same fourteen (14) day time period, proof of recordation of legal documents required by this Code, if any, shall be given to the City Attorney.

The Register of Deeds shall retain one (1) copy of the recorded plat, return one (1) copy to the owner, and retain one (1) copy for the City's records.

(2) Fees.

Each plat to be recorded and recombination by recorded instrument must be accompanied by a fee of thirty dollars (\$30.00) plus five dollars (\$5.00) for each new lot created, payable to the City. This fee is a service fee, charged to partially cover the cost to the City of checking the adequacy of utility lines, the location and width of streets, as they relate to the general street plan of the City, and the engineering inspections to see that the final plat conforms to the ordinances of the City and that construction is carried out in conformity with the preliminary subdivision plan and construction plans. Fees for recording all of the sheets of an approved plat in the office of the Wake County Register of Deeds shall be an additional charge and shall be paid by the applicant.

(3) Exceptions.

No fee will be charged for:

- a. Exempt subdivision plats, where all lots are to be greater than 10 acres and no public street right-of-way is involved. Final plats for these subdivisions must be certified by the City prior to recording, in order to properly ensure that no zoning violations are being created, and that City property records are properly updated.
- b. Boundary surveys of an existing legally-created parcel or parcels, where the survey is a reflection of existing map or deed descriptions, and no information is being added or changed. This type of final plat is not required to be certified by the City prior to recording.
- c. Right-of-way and easement maps recorded by governmental bodies and their agencies. This type of plat is not required to be certified by the City prior to its recording.

State law reference: G.S. 47-30(f)(11)c.

State law reference: G.S. 47-30(l).

FINAL PLAT REQUIREMENTS (Sec. 10-3017).

(a) Sheet size.

Three (3) copies of the final plat for recording shall be submitted to the Planning Department on mylar material. If the drawings are not original drawings, the reproduction submitted must be archivable in accordance with standards established by the State. Diazo or thermostatic processes for reproductions are not considered archivable. The size of the plats shall be eighteen (18) inches by twenty-four (24) inches, and at least one (1) of the submitted plats must be to true scale. **(Note: Please submit 3 paper copies for first review, not mylars!!!)**

(b) Information.

The following information shall be shown on the final plat:

- (1) Certificate by property owner written as follows:

"This certifies and warrants that the undersigned is (are) the sole owner(s) of the property shown on this map or plat and any accompanying sheets subject to the exceptions on record, having acquired the property in fee simple by deed(s) recorded in the office of the Register of Deeds of Wake County, North Carolina, or otherwise, as shown below and as such, has(have) the right to convey the property in fee simple, and that the dedicator(s) will warrant and defend the title against the lawful claims of all persons whomsoever unless excepted herein and that by submission of this plat or map for approval I (we) do dedicate to the City of Raleigh for public use all streets, easements, rights-of-way, parks and greenways, (as these interests are defined by the City Code), and as the same may be shown thereon, for all lawful purposes to which the City may devote or allow the same to be used and upon acceptance thereof in accordance with all City policies, ordinances, regulations or conditions of the City of Raleigh for the benefit of the public, said dedication shall be irrevocable; provided, any dedication of easements for storm drainage are not made to the City of Raleigh but are irrevocably made to the subsequent owners of any and all properties shown hereon for their use and benefit subject to conditions of subsections (b), (c), (d) and (f) of Section 1 and Section 4 of the "City Storm Drainage Policy" (Resolution 1970-742 as the same may be from time to time amended).

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Signature(s) of property owner(s)";

- (2) Certificate to indicate approval and acceptance by the City written as follows:

"I, the undersigned Planning Director of the City of Raleigh, do hereby certify that the City of Raleigh, as provided by its City Code, on the day of, in the year, approved this plat or map and accompanying sheets and accepted for the City of Raleigh the dedications as shown thereon, but on the further condition that the City assumes no responsibility to open or maintain the same until in the discretion and opinion of the

governing body of the City of Raleigh it is in the public interest to do so.

_____, ***Planning Director"***;

- (3) Certificate meeting the requirements of §47-30 of the General Statutes of North Carolina, regarding proof upon oath by the surveyor that the plat is in all respects correctly drawn and written substantially as follows:

"I, _____, certify this plat was drawn (by me) (under my supervision) from an actual (survey by me) (survey made under my supervision) (deed description recorded in Book , Page ; etc.): (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book , Page ; that the ratio of precision as calculated is 1: ; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this day of , in the year .

Surveyor signature _____

Seal or Stamp

Registration No. _____";

- (4) Certificate of the surveyor, in accordance with G.S. 47-30(f)(11), indicating the nature of the plat as one (1) of the following:

"a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
b. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
c. That the survey is of an existing parcel or parcels of land;
d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in a. through d. above.";

- (5) Certification and seal of a Notary Public, indicating that the property owner(s) and surveyor **(Note: Notarization of surveyor signature no longer required)** did appear and personally did apply their signatures to the plat as required above;
- (6) North indicator, indicator of scale or scale ratio in words or figures and bar graph, vicinity map and date of preparation;
- (7) Title block, indicating clearly the owner of the property, the Wake County property identification (P.I.N.) number, the purpose of the plat and the name, address and telephone number of the surveyor or firm preparing the plat;
- (8) Square footage, acreage and dimensions of each lot;
- (9) Square footage, acreage and dimensions of all rights-of-way;
- (10) Square footage, acreage and dimensions of common areas, open space, greenway or other easements dedicated to the public;
- (11) Total square footage and acreage within the plat;
- (12) Name, phase and section number of the subdivision;

- (13) For properties within unified developments as per §10-2132.2(d)(5)j., a notation shall be placed on all plats stating that future development is subject to applicable unity of development guidelines approved by the City of Raleigh a copy of which is on file in the Raleigh City Planning Department (when applicable);
- (14) For properties located in conditional use zoning districts, a notation shall be placed on all plats referencing zoning ordinance number and stating additional restrictions and requirements apply to the property (when applicable);
- (15) Except for right-of-way and easement maps, all other final plats subject to , in part or in whole, a Master Plan shall contain the following notation:

"This property is part of an approved Master Plan as required by the Raleigh, City Code. The Master Plan was approved by the Raleigh City Council on _____ (date), and a copy is on file in the City Planning Department. No permits shall be issued except in accordance with this Master Plan.";

- (16) Public and private street names with private streets labeled as private;
- (17) Where access restrictions have been applied as part of the approval of the preliminary plan, a notation shall be placed on all plats stating the specific points of access that are to be allowed, and indicating any lots to which access restrictions have been applied (when applicable);
- (18) Any other notations required by the approving body as part of the preliminary approval;
- (19) Any existing easements, any utility, drainage, or access easements, showing dimension and purpose of the easement;
- (20) If the construction of a street is not required for any reason, then in lieu of drawing an engineered slope easement on the recording plat, a slope easement of twenty (20) feet in width adjoining each side of the right-of-way shall be placed on the recording plat with the consent of the Chief Engineer, who will determine if such width is adequate for the terrain, and who may require a wider or lesser slope easement to be recorded.
- (21) The path of any expressway, freeway or major access corridor as defined in §10-2002; special arterial yard areas, §10-2075(c)(3)b.
- (22) Floodprone areas, 100-year floodplain, floodway and floodway fringe, flood hazard soil boundaries, any creek, lake, stream or river, and regulatory flood elevations. A notation shall be placed on the plat stating that flood elevations and boundaries are dynamic and are subject to change in the future. Whenever more than fifty (50) per cent of the area of any lot comprises floodprone areas or natural resource buffer yards as defined in §10-2002, a notation shall be placed on the plat stating that a significant portion of the specified lot(s) is within floodprone areas or watercourse buffer areas; flood easements as required by §10-3053;
- (23) For lands in Reservoir Watershed Protection Areas and Metro-Park Protection Overlay District: Watercourse buffer areas and impervious surface area limitations;
- (24) For lands outside the City limits: Signature of official of North Carolina Department of Transportation if public right-of-way is involved;
- (25) Any existing structures, dimensions from property lines;
- (26) For lands in townhouse developments and residential unit ownership (condominium) developments: Outline of building location including outdoor living space, parking area location and phase lines;

Cross reference: Townhouse development, final plat §10-3072(b)(5)

- (27) For lands in cluster unit developments: Phase lines, perimeter protective yards in accordance with §10-2101(b)(6)d., calculations for density transfers;
Cross reference: Cluster unit development final plat, §10-3071(b)(8).
- (28) Stormwater retention or detention facilities;
- (29) A statement on the plat stating whether or not any land shown thereon is on the date of that recordation within the extraterritorial jurisdiction of the City as set forth in this Code;
- (30) The location of any common areas and facilities subject to recorded covenants, such as, but not limited to: landscape areas, private open space or private streets, common storm drainage facilities and common utilities located outside public street rights-of-way and public utility easements;
- (31) Building envelopes showing dimensions to the nearest property line of the allowable building area on a lot for any lot with a setback less than 5 feet as allowed in §10-2075(b).
- (32) A notation on the plat stating special setback restrictions for "flag" lots as required by Standard Procedure 900-4.
- (33) If right-of-way is to be conveyed to the public and reimbursement is to be made, or dwelling density transfer or floor area ratio or building lot coverage transfer from the right-of-way is to be made, a notation that dedicators and their successors waive their statutory rights to withdraw dedications of the right-of-way.

SPECIAL INFORMATION FOR RECOMBINATIONS (Sec. 10-3005).

(a) Recombination by recorded maps.

No recombination of lots by map shall be effective unless:

- (1) The resultant lots are equal to the standards of this Code, including without limitation §10-3032(c), but if the standards of §10-2073(b) are not met, the recombination may still be approved if the recombined lots more closely conform to the minimum lot size standards in this Code;
- (2) The total number of lots is not increased;
- (3) All the metes and bounds boundaries of the affected lots are shown; any lines on the plat that were not actually surveyed must be clearly indicated and a statement including the sources of information as for example, metes and bounds based on pre-existing deeds and plats;

State law reference: G.S. 47-30(d).

- (4) All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
- (5) The title block contains the word "Recombination";
- (6) Structures on the affected lots are shown, and the requested recombination does not violate the setback requirements of this Code, including Zoning and Building Code;
- (7) In Reservoir Watershed Protection Areas, Conservation Management District, and in Metro-Park Protection Overlay District, the amount of impervious surface per lot is indicated before and after the recombination. All impervious surfaces and lot areas within the Reservoir Watershed Protection Area, Conservation Management District, and Metro-Park Protection overlay districts shall be calculated from the adjoining street right-of-way; provided if an expansion of an existing right-of-way or new right-of-way has been established in the Comprehensive Plan, impervious surface and lot areas within the Overlay District shall be calculated from the expanded or new right-of-way;
- (8) The recombination plat contains any notations previously required to be placed on a prior plat of the property by action of any approving authority;
- (9) The recombination plat is signed by all property owners.
- (10) The recombination plat is certified as to its purpose, signed and sealed by a registered surveyor in accordance with §10-3017 and G.S. 47-30(f)(11);
- (11) The recombination plat is certified by the Planning Director or his designee in accordance with the procedure specified in §10-3014(a);
- (12) The recombination indicates that all resultant lots have the same water and sewer utility access that existed prior to the recombination;
- (13) The recombination is certified by Wake County that it will not create a violation of setback standards or other standards of the Wake County Health Department regarding private wells and septic systems;
- (14) The recombination does not create the potential of new access points on a thoroughfare in violation of the Street, Sidewalk and Driveway Access Handbook, or render any existing driveway access point non-conforming regarding the standards in the Street, Sidewalk and Driveway Access Handbook, in accordance with §10-3042(b);
- (15) The recombination plat conforms to all law and ordinances for the recordation of maps and includes all information listed in §10-3017, except that information that is uniquely necessary for subdivision plats.

(b) Recombination by recorded instrument.

- (1) The resultant lots are equal to the standards of this Code, including without limitation §10-3033(c), but if the standards of §10-2073(b) are not met, the

recombination may still be approved if the recombined lots more closely conform to the minimum lot size standards in this Code;

- (2) The total number of lots is not increased;
- (3) The instrument contains a metes and bounds description of the new recombined lots or reference is made to a recorded plat;
- (4) The instrument contains a statement as to the total acreage of the affected lots;
- (5) The title of the instrument contains the word "Recombination";
- (6) The instrument contains a certification that the recombination does not violate the setback requirements of this Code, including Zoning and Building Code;
- (7) In Reservoir Watershed Protection Area, Conservation Management District, and in Metro-Park Protection overlay districts, the amount of impervious surface per lot is indicated before and after the recombination. All impervious surfaces and lot areas within the Reservoir Watershed Protection Area and in Metro-Park Protection overlay districts shall be calculated from the adjoining street right-of-way; provided if an expansion of an existing right-of-way or new right-of-way has been established in the Comprehensive Plan, impervious surface and lot areas within the Overlay District shall be calculated from the expanded or new right-of-way;
- (8) The instrument is signed by all property owners and is recorded with the Wake County Registry. A copy of the recorded document, or certification by the Register of Deeds that the document has been recorded must be returned directly to the Planning Department in order to ensure that City property records are updated to reflect the recombination;
- (9) If the number of lots is reduced, the instrument is to indicate which lots are eliminated;
- (10) The recombination is certified by the Planning Director or his designee in accordance with §10-3014(a), and the appropriate authorization number is attached to ensure the proper mapping of the resultant lots on the Wake County and City of Raleigh Geographic Information System;
- (11) The instrument indicates that all resultant lots have the same water and sewer utility access that existed prior to the recombination;
- (12) The instrument contains a certification by Wake County that the recombination will not create a violation of setback standards or other standards of the Wake County Health Department regarding private wells and septic systems; and
- (13) The instrument does not create the potential of new access points on a thoroughfare in violation of the Street, Sidewalk and Driveway Access Handbook, or render any existing driveway access point non-conforming regarding the standards in the Street, Sidewalk and Driveway Access Handbook, in accordance with §10-3042(b);
- (14) The instrument conforms to all laws and ordinances for the recordation of declarations including City fees for the recording of a plat.

Cross references: Recordation fees, §10-3014(c)(2), §10-3048; infill lots or infill projects, §10-3032(d), "flag lot" policy, Standard Operating Procedure 900-4.